

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Farmers Grain Company)	Administrative Consent Order
Beecher, Illinois)	
)	EPA-5-00-113(a) IL-01
Proceeding Under)	
Section 113(a)(1)(A))	
of the Clean Air Act,)	
42 U.S.C. § 7413(a)(1)(A))	

Administrative Consent Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Farmers Grain Company (Farmers Grain) under Section 113(a)(1)(A) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1)(A).

Statutory and Regulatory Background

2. Each state must submit to the Administrator of U.S. EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the Act, 42 U.S.C. § 7410.
3. On May 31, 1972, the Administrator of U.S. EPA approved Illinois Pollution Control Board (PCB) Rules 101 and 103 as part of the federally enforceable State Implementation Plan (SIP) for Illinois. (37 Fed. Reg. 10862).
4. On February 21, 1980, the Administrator of U.S. EPA approved amendments to the Illinois SIP that, among other things, added deadlines for new or existing Grain-Handling operations to obtain an operating permit under Rule 103(b).
5. Illinois PCB Rule 101 contains General Provisions, and Rule 103 contains the Permit Application and Review Process for construction and operating permits.

6. Due to the recodification of the Illinois PCB Rules, PCB Rule 101 is currently set forth at 35 Illinois Administrative Code (IAC) § 201.102; PCB Rule 103(a)(1) at 35 IAC § 201.142; PCB Rule 103(b)(1) at 35 IAC § 201.143; PCB Rule 103(b)(2) at 35 IAC § 201.144; and PCB Rule 203(d)(9)(G) at 35 IAC § 212.463(d).
7. With certain exceptions, Illinois PCB Rule 103(a)(1), 35 IAC § 201.142, prohibits the construction of any new emission source or any new air pollution control equipment or the modification of any existing emission source or air pollution control equipment without first obtaining a construction permit.
8. Illinois PCB Rule 103(b)(1), 35 IAC § 201.143, prohibits the operation of any new emission source required to obtain a construction permit without first obtaining an operating permit.
9. With certain exceptions, 35 IAC § 212.463(d) requires new and modified grain-drying operations to file an application for construction and operating permits.
10. Under Section 113(a)(1)(A) of the Act, 42 U.S.C 7413(a)(1)(A), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

11. Farmers Grain Company owns and operates a country grain elevator located at 525 Gould Street, Beecher, Illinois.
12. Farmers Grain Company constructed a column dryer at its facility in 1997.
13. The column dryer is a new emission source as defined in the Illinois PCB rule 101.
14. The grain drying operation at the grain elevator are subject to the permit requirements of Illinois PCB 101, 103 and 203(d)(9)(G).

15. On September 9, 1999, U.S. EPA issued to Farmers Grain Company a notice of violation alleging that Farmers Grain Company violated the Illinois SIP by constructing and operating a column dryer without first obtaining a construction or operating permit.
16. On October 13, 1999, representatives of Farmers Grain Company and U.S. EPA discussed the September 9, 1999 notice of violation.
17. Farmers Grain Company constructed a new emission source without first obtaining a construction permit, in violation of Illinois PCB Rule 103(a)(1), 35 IAC 201.142.
18. Farmers Grain Company operated a new emission source without an operating permit, in violation of Illinois PCB Rule 103(b)(1), 35 IAC 201.143.
19. After a review of the information that Farmers Grain Company provided to U.S. EPA and after a thorough investigation of all relevant facts, U.S. EPA has determined that the following requirements are reasonable.

Therefore, it is hereby ordered that:

Compliance Program

20. Farmers Grain Company must demonstrate and maintain continuous compliance with all the applicable regulations in the Illinois SIP at its Beecher, Illinois facility.
21. Farmers Grain Company must operate the column dryer pursuant to an effective permit from the Illinois Environmental Protection Agency.
22. To maintain compliance, Farmers Grain Company must renew this operation permit upon expiration as required by Illinois PCB Rule 103(b)(1), 35 IAC § 201.143.
23. Farmers Grain Company must submit to U.S. EPA a copy of the operation permit within three weeks of the effective date of this order.

24. Farmers Grain Company must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604.

General Provisions

25. This Order does not affect Farmers Grain Company responsibility to comply with other local, state, and federal laws and regulations.
26. This Order does not restrict U.S. EPA's authority to enforce the Illinois SIP, or any section of the Act.
27. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Farmers Grain Company's violation of the Illinois SIP.
28. Failure to comply with this Order may subject Farmers Grain Company to penalties of up to \$27,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.
29. The terms of this Order are binding on Farmers Grain Company, its assignees and successors. Farmers Grain Company must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Farmers Grain Company has given the notice.
30. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.
31. U.S. EPA may use any information submitted under this Order in an administrative, civil, or criminal action.
32. Farmers Grain Company agrees to the terms of this Order.

33. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will expire one year from the effective date, if Farmers Grain Company has complied with all of its terms.

12-21-99
Date

Timothy A. Matthias
Timothy Matthias, Manager
Farmers Grain Company

1-31-00
Date

for Margaret M. Guerriero
Margaret M. Guerriero,
Acting Director
Air and Radiation Division

Enclosure

CERTIFICATE OF FILING AND MAILING

I, Betty Williams, do hereby certify that an Administrative
Consent Order was sent by Certified Mail, Return Receipt

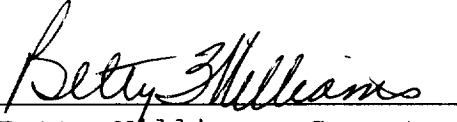
Requested, to:

John R. Novack
Cox Bruegge
405 N. Hershey Road, Suite 6
Bloomington, Illinois 61704-3577

I also certify that a copy of the Administrative Consent
Order was sent by First Class Mail to:

David Kolaz, Manager
Compliance and Systems Management Section
Bureau of air
Illinois Environmental Protection agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 2nd Day of February 2000.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 2199026379